

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>MICHELLE FISCUS, M.D., FAAP,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>No. 3:21-cv-00686</b>
<b>v.</b>	)	
	)	<b>Chief Judge Crenshaw</b>
<b>COMMISSIONER LISA PIERCEY, M.D.,</b>	)	<b>Magistrate Judge Newbern</b>
<b>MBA, FAAP, Tennessee Department of Health,</b>	)	
<b>in her official capacity;</b>	)	
<b>CHIEF MEDICAL OFFICER TIM JONES,</b>	)	
<b>M.D., Tennessee Department of Health,</b>	)	
<b>in his official capacity,</b>	)	
	)	
<b>Defendants.</b>	)	

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**PLAINTIFF’S MOTION FOR JUDICIAL SETTLEMENT CONFERENCE**

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Pursuant to L.R. 16.04(B), Plaintiff hereby requests a judicial settlement conference. In support of this motion, Plaintiff would show that the parties successfully mediated this matter and reached a settlement. (ECF 68, “Notice of Settlement Contingent on Approval of State Officials,” providing “that the parties attended mediation as ordered by the Court and have reached a settlement that is contingent upon written approval of State officials.” PageID #: 798.) In the previously filed Notice of Settlement, Defendants stated: “The parties will work diligently to finalize the proposed settlement agreement and then route it for approval.” *Id.*

During discussions between the parties, the parties have been unable to resolve certain disputes regarding non-disparagement and confidentiality. Accordingly, Plaintiff submits the parties cannot meet the Court’s current deadline of June 30, 2023, to file the Order of Dismissal in this matter. (ECF 71, Order Granting Joint Motion for Extension of Dismissal Deadline.)

Undersigned counsel for Plaintiff has attempted to reach defense counsel by phone and email, but received an out of office reply indicating counsel will not be available until after the June 30 deadline has lapsed.

Given these circumstances, Plaintiff respectfully asks the Court for a Judicial Settlement Conference pursuant to L.R. 16.04(B) to help the parties finalize the settlement agreement.

Respectfully submitted,

DRS LAW

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*Attorneys for Plaintiff*

## CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was sent via the Court's ECF system to the following parties on June 29, 2023.

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/s/ Christopher Smith